UNITED NATIONS

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ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative text.

GERMANY

Communicated by the Government of Germany

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

FIFTH ORDINANCE AMENDING THE REGULATIONS CONCERNING NARCOTIC DRUGS (FIFTH NARCOTIC DRUGS AMENDING ORDINANCE) OF 18 JANUARY 1994

*Note by the Secretariat: This text is a direct reproduction of a translation from German into English, communicated to the Secretariat by the Government of the Federal Republic of Germany.

Fifth Ordinance
Amending the Regulations concerning Narcotic Drugs
(Fifth Narcotic Drugs Amending Ordinance)
of 18 January 1994

On the basis of Section 1 paragraph 2 of the Narcotics Act of 28 July 1981 (Federal Law Gazette I, pp. 681, 1187) and after having heard experts, as well as on the basis of Section 13 paragraph 3 of the Narcotics Act, the Federal Government adopts the following order:

Article 1
Amendment of the Narcotics Act

The Narcotics Act of 28 July 1981 (Federal Law Gazette I, pp. 681, 1187),[1/] last amended by Article 3 of the Law of 2 August 1993 (Federal Law Gazette I, p. 1407) shall be amended as follows:

1. At the end of Schedule I of the Narcotics Act, the item following the first dash shall be worded as follows:

   "the isomers of the substances listed in this Schedule, except for dextromethorphan, unless listed in a different schedule and where the presence of such isomers may occur under the specific chemical name;".

2. Schedule II of the Narcotics Act shall be amended as follows:

   a) The exceptional provision regarding the item "codeine" shall be worded as follows:

      "- with the exception of preparations which contain up to 2.5 percent or up to 100 mg codeine per dosage unit, calculated as the base, without the addition of any of the substances listed in Schedules I to III -".

1/ E/NL.1981/60

b) The exceptional provision regarding the item "ethylmorphine" shall be worded as follows:

"- with the exception of preparations which contain up to 2.5 percent or up to 100 mg ethylmorphine per dosage unit, calculated as the base, without the addition of any of the substances listed in Schedules I to III -".

c) The item "methadone" shall be deleted along with all the corresponding particulars.

3. Schedule III Part A of the Narcotics Act shall be amended as follows:

a) The following narcotic drugs shall be inserted in alphabetical order:

"amfetaminil 2-(α-methylphenetylamino-)-2-phenylacetonitril
- with the exception of preparations which contain up to 10 mg amfetaminil per dosage unit, calculated as the base, without the addition of any of the substances listed in Schedules I to III -

methadone (±)-6-dimenthylamino-4,4-diphenyl-3-heptanon".

b) The item "morphine" shall be covered by the following exceptional provision:

"- with the exception of preparations which contain up to 0.2 percent morphine, calculated as the base, without the addition of any of the substances listed in Schedules I to III and which consist of one or several other components composed in such a way that the narcotic drug cannot be recovered by a procedure easily applicable or to an extent jeopardizing public health -".

4. Schedule III Part C of the Narcotics Act shall be amended as follows:

a) The exceptional provision regarding the item "bromazepam" shall be worded as follows:

"- with the exception of preparations which contain up to 6 mg bromazepam per dosage unit, without the addition of any of the substances listed in Schedules I to III -".

b) The exceptional provision regarding the item "camazepam" shall be deleted.

c) The exceptional provision regarding the item "chlordiazepoxide" shall be worded as follows:

"- with the exception of preparations which contain up to 25 mg chlordiazepoxide per dosage unit, without the addition of any of the substances listed in Schedules I to III -".

d) The exceptional provision regarding the item "diazepam" shall be worded as follows:

"- with the exception of preparations which contain up to 1 percent as syrup or infusion solution but not more than 250 mg per package unit or up to 10 mg diazepam per dosage unit, without the addition of any of the substances listed in Schedules I to III -".

e) The exceptional provision regarding the item "flunitrazepam" shall be worded as follows:

"- with the exception of preparations which contain up to 1 mg flunitrazepam per dosage unit, without the addition of any of the substances listed in Schedules I to III -"

f) The exceptional provision regarding the item "meprobamate" shall be worded as follows:

"- with the exception of preparations which contain

a) up to 500 mg per dosage unit, without the addition of any of the substances listed in Schedules I to III or

b) with the addition of phenobarbital, up to 200 mg meprobamate per dosage unit -".

g) The exceptional provision regarding the item "secbutabarbital" shall be worded as follows:

"- with the exception of preparations which contain up to 0.5 percent or up to 50 mg secbutabarbital per dosage unit, calculated as the acid, without the addition of any of the substances listed in Schedules I to III -".

Article 2
Transitional provision

Any finished drugs that are already licensed as exempted preparation with up to 2 mg of the narcotic drug flunitrazepam may be prescribed and dispensed under the hitherto applicable provisions until the expiration of 31 March 1994.

Article 3
Amendment of the Ordinance on the Prescription, Dispensing and Recording of the Whereabouts of Narcotic Drugs

The Ordinance on the Prescription, Dispensing and Recording of the Whereabouts of Narcotic Drugs in the version of its notification of 16 September 1993 (Federal Law Gazette I, p. 1637) shall be amended as follows:

1. Section 2 paragraph 1 shall be amended as follows:

   a) Subparagraph a) shall be amended as follows:

      aa) Subsequent to number 5 the following new number 6 shall be inserted:

      "6. methadone 3000 mg,".

      bb) The numbers 6 to 9 so far shall become numbers 7 to 10.

   b) Subparagraph b) shall be amended as follows:

      aa) Subsequent to number 1 the following new number 2 shall be inserted:

      "2. amfetaminil 200 mg,".

      bb) The numbers 2 to 14 so far shall become numbers 3 to 15.

2. Section 2a paragraph 1 shall be worded as follows:

   "(1) For the purpose of substitution within the framework of the treatment of a drug dependence, any medical practitioner may only prescribe levomethadone, methadone or a

narcotic drug licensed for the purpose of substitution. The prescription shall only be admissible, if and as long as the application of said narcotic drug is in compliance with the provisions of Section 13 paragraph 1 of the Narcotics Act, and in observance of the dictates of sound medical practice."

3. Section 8a paragraph 4 shall be worded as follows:

"(4) The agency responsible for or performing the emergency service shall make a written agreement with a pharmacy on supplying the narcotic drugs prescribed as well as on examining the stocks of narcotic drugs kept in the institutions or units of institutions of emergency services at least every six months in order to check, in particular, whether or not they are in perfect condition and correctly and safely stored. The undersigning pharmacist shall notify this to the competent Land authority. A pharmacist of the respective pharmacy shall be charged with the examination of the stocks of narcotic drugs. A record shall be drawn up. Where the pharmacist charged with the examination finds any defects, he shall state a reasonable period for the agency responsible for or performing the emergency medical services to remedy these defects and shall, in the case of non-compliance, notify the Land authority responsible under Section 19 paragraph 1 third sentence of the Narcotics Act accordingly."

Article 4

This Ordinance shall enter into force on the first day of the calendar month following its publication.

The Bundesrat hat given its consent.

Bonn, 18th January 1994

The Federal Chancellor
Dr. Helmut Kohl

The Federal Minister for Health
Horst Seehofer